

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. JAMES D'AUGUSTE

PART

55

Justice

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KETEVAN SANCHEZ, INDIVIDUALLY AND ON BEHALF
OF ALL OTHER PERSONS SIMILARLY SITUATED WHO
WERE EMPLOYED BY MJ-MC HOME HEALTH CARE
AGENCY, INC., ALONG WITH OTHER ENTITIES
AFFILIATED OR CONTROLLED BY MJ-MC HOME
HEALTH CARE AGENCY, INC

INDEX NO. 160461/2018

MOTION DATE 12/13/2021

MOTION SEQ. NO. 003

Plaintiff,

- v -

MJ-MC HOME HEALTH CARE AGENCY, INC., AND/OR
ANY OTHER RELATED ENTITIES,

Defendant.

**DECISION + ORDER ON
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96

were read on this motion to/for

MISCELLANEOUS

Upon the foregoing documents, the motion by plaintiff Ketevan Sanchez seeking to certify a putative class of individuals who are presently employed or were previously employed by defendant MJ-MC Home Health Care Agency, Inc. as home health aides or personal care assistants in New York State is granted.

Plaintiff has demonstrated that the putative class share similar work experiences and have been subjected to defendant's procedures and policies that purportedly resulted in unlawful underpayments. The Court finds that the putative class meets all the requirements for class certification including: (1) class is so numerous that joinder of all members is impracticable; (2) common questions of fact or law predominate over any questions affecting individual class members; (3) claims and defenses of the representative party are typical of the class; (4) the representative will fairly and adequately protect the class; and (5) the matter proceeding as a

class action is superior to other methods to resolving the controversy. While the quantum of damages may vary from class member to class member, this does not preclude class certification in view of the factors strongly supporting class adjudication. *Borden v. 400 E. 55 th St. Assoc., L.P.*, 24 N.Y.3d 382 (2014). Notably, there have been numerous recent decisions concluding that class adjudication is the appropriate means of resolving similar claims by home health aides. *E.g. Teshabaeva v. All American Healthcare Agency, Inc.*, Index No. 500500/2018 (Sup. Ct., Kings County Dec. 6, 2021) (Wan, J); *Lavrenyuk v Life Care Services, Inc.*, Index No. 156393/2017 (Sup. Ct., N.Y. County Jun. 28, 2021) (Tisch, J.). In the end, the Court has considered all arguments presented in opposition to the motion and find them to be without merit.

Accordingly, the motion seeking class certification is granted. Plaintiff is directed to submit order via NYSCEF with email courtesy copy sent to wpawolff@nycourts.gov (William de Wolff, Esq.), with a copy to defendant's counsel.

This constitutes the decision of this Court.



<u>8/15/2022</u>		<u>JAMES D'AUGUSTE, J.S.C.</u>	
DATE			
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input checked="" type="checkbox"/> SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT	<input type="checkbox"/> REFERENCE